

## Reclassification

### Petition Form

(per 10 V.S.A. § 1253)

Classification of waters designated, reclassification



ALDER BROOK (COURTESY OF MARK NELSON)

**Reclassification Information and Petition Form**

(per 10 V.S.A. § 1253)

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**AGENCY OF NATURAL RESOURCES****Department of Environmental Conservation****Information Form Submittal Instructions**

- If submitting via US post:**

**Mail to:**

Watershed Planning Program  
One National Life Drive, Davis 3  
Montpelier, VT 05620

- Please submit a CD or flash drive for petitions that contain large files (1 MB or greater)

- **Information forms can also be submitted via email to the following address:**
- **Insert specialized email address** [anr.wsmd@vermont.gov](mailto:anr.wsmd@vermont.gov) **with the Subject Line of “Reclassification Petition” or “Reclassification Application”**

1. Petitioner Name	Ripton Conservation Commission Mark Nelson, Chair		
2. Address	Street/P.O. Box		
	C/O Town of Ripton PO Box 10		
	Town	State	Zip Code
	Ripton	VT	05766
3. Phone of contact	802-388-2857		
4. Email of contact person	m.a.nelson@live.com		
5. Petition Form Preparer Name(s)	Mark Nelson		
6. Co-Sponsors	Ripton Conservation Commission Ripton Select Board		

7. Waterbody Name(s)	Alder Brook			
8. Portion of waterbody for proposal	Location	Coordinates (click link to find)	Elevation (ft.)	Stream Reach ID
	Upstream	Latitude: <b>44.03813° N</b> Longitude: <b>72.99076° W</b>	1420	
	Downstream	Latitude: <b>44.01538° N</b> Longitude: <b>73.02020° W</b>	1320	
9. Proposal Type ( <i>Check one</i> )	<input checked="" type="checkbox"/> Reclassification (stream/ river)		<input type="checkbox"/> Reclassification (lake)	

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**AGENCY OF NATURAL RESOURCES****Department of Environmental Conservation****Reclassification Only**

10. Water body Use proposed to be reclassified, current, and proposed classification. See Vermont Water Quality Standards §29A-306 for description of each use	Use:	Proposed:	Current Use:
	<input checked="" type="checkbox"/> Aquatic Biota	A(1) <input checked="" type="checkbox"/> B(1) <input type="checkbox"/> B(2) <input type="checkbox"/>	
	<input checked="" type="checkbox"/> Aquatic Habitat	A(1) <input checked="" type="checkbox"/> B(1) <input type="checkbox"/> B(2) <input type="checkbox"/>	
	<input checked="" type="checkbox"/> Aesthetics	A(1) <input checked="" type="checkbox"/> B(1) <input type="checkbox"/> B(2) <input type="checkbox"/>	
	<input type="checkbox"/> Fishing	A(1) <input type="checkbox"/> B(1) <input type="checkbox"/> B(2) <input type="checkbox"/>	
	<input type="checkbox"/> Swimming	A(1) <input type="checkbox"/> B(1) <input type="checkbox"/> B(2) <input type="checkbox"/>	
	<input type="checkbox"/> Boating	A(1) <input type="checkbox"/> B(1) <input type="checkbox"/> B(2) <input type="checkbox"/>	
	<input type="checkbox"/> Public Water Source	A(1) <input type="checkbox"/> A(2) <input type="checkbox"/> B(1) <input type="checkbox"/> B(2) <input type="checkbox"/>	
Other	<input type="checkbox"/> <input checked="" type="checkbox"/> Riparian Habitat <input checked="" type="checkbox"/> Rare Species <input checked="" type="checkbox"/> Significant Natural Communities <input checked="" type="checkbox"/> Upland Uncommon Natural Community <input checked="" type="checkbox"/> Highest Priority Riparian Connectivity <input checked="" type="checkbox"/> Exemplary Surface Waters <input checked="" type="checkbox"/> Highest Priority Habitat Block, Connectivity Block, and Interior Forest Block	A(1) <input checked="" type="checkbox"/> A(2) <input type="checkbox"/> B(1) <input type="checkbox"/> B(2) <input type="checkbox"/>	



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Reclassification Criteria	
11. List specific criteria per the Vermont Water Quality Standards (2017), Environmental Protection Rule Chapter 29A	<p><b>Aquatic Biota:</b> Biological criteria (<i>see Appendix G. biocriteria for fish and macroinvertebrate communities in Vermont wadeable streams and rivers - Vermont Water Quality Standards, 2017</i>)</p> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Numeric water quality criteria (e.g., appended data records)</li><li><input checked="" type="checkbox"/> Documentation of Rare, Threatened or Endangered species</li><li><input checked="" type="checkbox"/> Documentation of Rare and Irreplaceable Natural Area or significant natural community</li><li><input checked="" type="checkbox"/> Documentation of numeric water quality chemistry (e.g., nutrient levels, turbidity, dissolved oxygen levels, alkalinity, pH)</li><li><input type="checkbox"/> Documented absence of toxic or radioactive substances</li><li><input checked="" type="checkbox"/> Undeveloped riparian zones</li><li><input checked="" type="checkbox"/> Limited human activity within the watershed</li></ul> <p><b>Aquatic Habitat:</b></p> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Natural Flow Regime (<i>Documented attainment of hydrology and stream protection criteria - § 29A-304 of the Vermont Water Quality Standards, 2017</i>)</li><li><input type="checkbox"/> Temperature (data appended)</li><li><input checked="" type="checkbox"/> Documentation of Rare, Threatened or Endangered species</li><li><input checked="" type="checkbox"/> Documentation of Rare and Irreplaceable Natural Area or significant natural community</li><li><input checked="" type="checkbox"/> Undeveloped riparian zones</li><li><input checked="" type="checkbox"/> Limited human activity within the watershed</li><li><input type="checkbox"/> Other Aquatic Habitat Assessments (Describe or append assessment used)</li></ul> <p><b>Aesthetics:</b></p> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Documented aesthetic qualities and characteristics</li><li><input checked="" type="checkbox"/> Documented water characteristics, flows, water level, bed and channel characteristics, and flowing and falling waters in their natural condition.</li><li><input type="checkbox"/> Documented maintenance of level of water quality that provides for the attainment and maintenance of the water quality standards of downstream waters (for lakes only).</li></ul> <p><b>Recreational Fishing:</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Documented temperature in attainment with Cold Water Fish Habitat criteria (<i>for use in Wild Salmonid Stream re-classification petitions</i>)</li><li><input type="checkbox"/> Documented temperature in attainment with Cold Water Fish Habitat criteria (<i>temperature criteria in § 29A-302(B) of the Vermont Water Quality Standard</i>)</li><li><input type="checkbox"/> Measures of wild salmonid densities, biomass, and age composition consistent with those expected in waters in their natural condition.</li><li><input type="checkbox"/> Documented high incidence of accessibility to water</li></ul>

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- ☐ Documented high use by anglers (i.e., fishing identified as existing use)
- ☐ Limited human activity within the watershed
- ☐ Upstream/ downstream use attainment

### **Recreational Boating:**

- ☐ Boating to the full extent naturally feasible without degradation due to artificial flow and water level management or artificial physical impediments
- ☐ Boating to the extent feasible with no more than minor degradation due to artificial flow and water level management or artificial impediments, and with appropriate mitigation for artificial physical impediments
- ☐ Prospective waters shall comply with the Hydrology Criteria in § 29A-304 of the Vermont water Quality Standards with respect to any flow alterations
- ☐ Areas where existing boating use has been determined to be present and where, over some appreciable distance, certain features, free flowing water and/or notable whitewater or flat-water boating opportunities are found.

### **Recreational Swimming:**

- ☐ Prospective waters achieve and maintain a level of water quality compatible with very good or excellent quality swimming and other primary contact recreation with negligible risk of illness or injury from conditions that are a result of human activities.
- ☐ Areas where existing swimming use has been determined to be present that have consistent *E. coli* values below *E. coli* criterion and which, over some appreciable distance, also possess certain high-quality features.
- ☐ Well-known locally or regionally as a swimming area;
- ☐ Documented pool(s) for swimming and/or water features that are enjoyable for swimming or bathing including chutes, cascades, waterfalls, cliffs, jumping rocks;

### **Public Water Source:**

- ☐ Existing A(2) was never developed and/ or was developed but then abandoned
- ☐ or, prospective waters are currently managed, as necessary, for consistency with use as a public water source. Where sustained direct contact with the water occurs, waters shall be managed to achieve and maintain a negligible risk of illness or injury from conditions that are a result of human activities,
- ☐ or, prospective could be managed to achieve and maintain a uniformly excellent character and a level of water quality highly suitable for use as a public water source with filtration and disinfection or other required treatment.

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<p>12. Purpose and need for reclassification – i.e., why is the change in classification now warranted? (<i>summary</i>)</p>	<p>Ripton has some of the highest quality rivers, streams and wetlands in VT. These rivers, streams, and wetlands support a multitude of native plants and animals that depend on undisturbed high quality waters. In addition, these rivers, streams and wetlands provide opportunities for fishing and other recreation.</p> <p>The Vermont Surface Water Management Strategy (VSWMS) has three primary goals:</p> <ul style="list-style-type: none"><li>• Protect, maintain, enhance, and restore the Biological, Chemical &amp; Physical Integrity of all Surface Waters</li><li>• Support the Public Use and Enjoyment of Water Resources</li><li>• Protect the Public Health and Safety</li></ul> <p>Reclassifying the Goshen Brook from B(2) to A(1) supports the VSWMS by ensuring that this high quality stream is protected and maintained in its current condition.</p> <p>The reason for requesting the reclassification of Alder Brook from B(2) to A(1) is to recognize the ecological value of these high quality waters and to ensure that the current conditions of excellent biological and chemical health and aquatic habitat are protected and preserved for the future. Alder Brook is representative of some of the highest quality waters in Vermont. With a starting elevation greater than 1000 ft, Alder Brook is a headwater stream and the protection of its high water quality supports downstream water quality as it joins the North Branch of the Middlebury River. The North Branch of the Middlebury River flows into the Otter Creek Basin and this petition supports the goals of the Otter Creek Basin Plan. The Middlebury River running from Ripton through East Middlebury is listed as “Stressed” in the Otter Creek Basin plan and protections of the Alder Brook will help minimize sediment flowing into this section of the Middlebury River. This will contribute to the clean up of Lake Champlain.</p> <p>Water quality monitoring by the Vermont Department of Environmental Conservation show the Macroinvertebrate Assessment and Fish Assessment to be in the Excellent category. Alder Brook meets the definition of Biological Integrity. Alder Brook is minimally impacted by human activity.</p> <p>This Petition has the support of the Ripton Select Board and the Lincoln Select Board</p>
<p>13. Town(s) adjacent to proposed waterbody (append letters of support from municipality and/or Regional Planning Commission and/or</p>	<p>Ripton, Lincoln</p>

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Natural Resource Conservation District and/or watershed organization	
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14. Potentially interested parties (abutting landowners, municipal and civic organizations, business interests, etc.). Provide names, address and phone numbers for each party.	<b>Additional information should be attached and listed in box 16.</b> Jeffrey W Benton, Wendy L Benton Sidney Poritz Gary Smith The Conservation Fund Paonia Ezrine N'Shaiha A Johnson Company Ramona P Morse Life Estate, Judy Hayes Sadie Stowe, Robert Stowe John Peck Sr, Nancy Peck Susan White, Eric Warren Maggie G Sarsgaard, John Peter Sarsgaard James Stanley Jr TTEE Robert Foster Andrew McIntosh US Forest Service Ripton Select Board Ripton Planning Commission Addison County River Watch Collaborative  See Attachment 8 for additional information
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15. Supporting Documentation (maps can be created using the <a href="#">ANR Atlas</a> )	<b>Reclassification</b> <b>Required</b> <ul style="list-style-type: none"> <li>• Map with location information and delineated area for petition with known public and private conserved land within the delineated area.</li> <li>• Water quality monitoring data</li> <li>• Rivers and streams</li> <li>• lakes and ponds</li> </ul> <b>Recommended</b> One-page document describing: <ul style="list-style-type: none"> <li>• Existing zoning or protection at town level that may preclude or support designation</li> </ul> Additional map(s) that include: <ul style="list-style-type: none"> <li>• Watershed boundary current land use and waterbody encroachments, including roads and structures</li> </ul>
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	<ul style="list-style-type: none"><li>• Water quality and quantity impacts, including wastewater and stormwater, physical alterations, and (if available) stream geomorphic condition</li><li>• Land parcels (conserved?)</li></ul> <p>Photos of petition area</p> <p>Letter(s) of support</p>
16. List of supporting materials attached	<p>List attachment by number with names and dates: (ex. 1. Map of Waterbody to be Reclassified 4/5/2017; 2. Photographs of Waterbody for Reclassification 4/5/2017; 3. One Page Supporting Document 4/10/2017)</p> <p>Attach 1: Town Zoning &amp; Landowners</p> <p>Attach 2: Plant List</p> <p>Attach 3: Watershed Important Characteristics</p> <p>Attach 4: Public Outreach</p> <p>Attach 5: Pictures</p> <p>Attach 6: VT DEC Monitoring Data</p> <p>Attach 7: Letters of support from Ripton &amp; Lincoln Select Boards and Conservation Commissions</p> <p>Attach 8: Potentially Interested Parties</p> <p>Map 1 Bedrock outcrops</p> <p>Map 2 Highest priority connectivity blocks</p> <p>Map 3 Elevation</p> <p>Map 4 Exemplary surface waters</p> <p>Map 5 GMNF</p> <p>Map 6 Habitat block acreage</p> <p>Map 7 Habitat block priority</p> <p>Map 8 Interior forest block priority</p> <p>Map 9 Land cover</p> <p>Map 10 nitrate leaching index</p> <p>Map 11 Physical landscapes</p> <p>Map 12 Riparian wildlife connectivity</p> <p>Map 13 River corridors</p> <p>Map 14 RTE &amp; deer wintering areas</p> <p>Map 15 Small stream designation</p> <p>Map 16 Soils hydrologic groups</p> <p>Map 17 Surface waters and riparian areas highest priority</p> <p>Map 18 Surficial geology feature type</p> <p>Map 19 Surficial geology lithology</p> <p>Map 20 Use value appraisal</p> <p>Map 22 Watershed and land parcels</p> <p>Map 23 Wetlands</p> <p>Map 24 landowner map</p> <p>Map 25 latitude and longitude</p> <p>Map 27 downstream rivers and watersheds</p> <p>Map 28 Sewage disposal ratings</p>




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<b>Lead Sponsor Information</b>		
Lead Sponsor Name: Ripton Conservation Commission, Mark Nelson, Chair		
Address: C/O Town of Ripton, PO Box 10		City/Town: Ripton
State: VT	Zip: 05766	Phone: 802-388-2857
Email Address: m.a.nelson@live.com		
Lead Sponsor Signature:  Date: 2019-12-15		

<b>Co-sponsor Signatures</b>	
Name:	
Organization:	
Co-sponsor Signature:	Date:
Name:	
Organization:	
Co-sponsor Signature:	Date:
Name:	
Organization:	
Co-sponsor Signature:	Date:
Supporter Name:	
Organization:	
Co-sponsor Signature:	Date:
Supporter Name:	
Organization:	
Co-sponsor Signature:	Date: